



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301050

Applicant Name: Greg Brant

Address of Proposal: 2323 Franklin Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to divide one parcel into three unit lots (unit lot subdivision). The subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Proposed lot areas are: A) 2,249.9 square feet; B) 1,117.7 square feet; and C) 1,018.7 square feet. The construction of townhouse units has been approved under related Master Use Permit #2300557.

The following approval is required:

Short Subdivision - To divide one parcel into three (3) parcels of land (unit lot subdivision). (Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Descriptions

The approximately 4,386-square foot site is located in a Residential, Multifamily, Lowrise 3 (L3) on Franklin Avenue East, between East Louisa Street and East Lynn Street. Franklin Avenue East is paved with curb, gutters, and sidewalk at the subject site. An existing single-family house would remain on proposed Parcel A.

Properties located to the north, south, and east of the site are all zoned L3, and properties located west of the site (across the alley) are zoned Neighborhood Commercial 2, with a height limit of

30 feet (NC2-30). Development in the area consists of a mixture of single-family residences, multi-family structures, and commercial uses (in the NC2-30 zone).

Proposal Description

The applicant proposes to subdivide the subject parcel into three (3) unit lots with the following lot areas: A) 2,249.9 square feet; B) 1,117.7 square feet; and C) 1,018.7 square feet. Parcel A would front on Franklin Avenue East, and Parcels B and C would have direct access onto the 20-foot wide alley at the rear of the site. Under a related construction permit (Master Use Permit #2300557), two townhouse units (in a single structure) will be constructed behind (to the west of) the existing single-family residence on the site. The townhouse units would be located on Parcels B and C.

Public Comments

The public comment period was extended by written request and ended March 25, 2003. No written comments were received.

ANALYSIS - SHORT SUBDIVISION

SMC Section 23.24.040 provides that the director shall use the following criteria to determine whether to grant, condition, or deny a short plat outlined in seven main criteria. Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU), the review and approval from the Seattle Water Department (SWD), Seattle Fire Department (SFD), and Seattle City Light; and review by the Land Use Planning and Development analyst, the following findings are made with respect to the criteria, as listed below:

1. Conformance to the applicable Land Use Code provisions;

The underlying construction permit for two (2) townhouse units (to be built behind the existing single-family residence) has been approved under a related construction permit (Master Use Permit #2300557). This related application meets all applicable provisions of the Land Use Code including density, lot coverage, setbacks, open space, parking, and access.

The proposed unit lot subdivision would allow separate ownership of the land associated with the two townhouse units and the existing single-family residence. This purpose is consistent with the provisions of SMC 23.24.045, Unit lot subdivisions.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Vehicular access to the subject site would be provided from Franklin Avenue East and the 20-foot wide alley located at the rear of the site. Parking for all three units would be accessed off of the alley. A five-foot wide pedestrian easement along the north property line would provide access from Parcel A's parking space to Parcel A as well as from Parcels B and C to Franklin Avenue East. The Seattle Fire Department has reviewed and approved the short plat for emergency vehicle access.

In order to assure that the maintenance responsibility of the private access is clear, the applicant/responsible party should attach an easement maintenance agreement to the final short plat.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed short plat and has requested an easement to provide electrical facilities and service to the proposed lots. This easement (identified as P.M. 250420-2-011) should be provided on the final recording documents for the short plat.

3. *Adequacy of drainage, water supply and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of service is assured subject to standard conditions of utility extension.

The application was reviewed by Seattle Public Utilities, and Water Availability Certificate #2003-0181 was approved and issued on February 25, 2003.

The existing structure located on the subject site is connected by means of a twinned sidesewer (also serving the property to the south addressed as 2321 Franklin Avenue East) to an 8-inch public combined sewer (PS) located in Franklin Avenue East. Sidesewer permits will be required to connect the new units constructed under related MUP #2300557.

The PS is also the appropriate point for stormwater discharge. Stormwater detention, with controlled release to the PS, is typically required for construction in excess of 2,000 square feet of developmental coverage. Specific plan review requirements were reviewed under the building permit application (MUP #2300557) in accordance with applicable stormwater ordinances. Therefore, drainage review has been conducted and approved in conjunction with this project.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The public use and interests would be served by permitting the proposed subdivision of land, and the proposal meets all applicable criteria for approval of a short plat as discussed in this analysis. The proposed development would have adequate access for vehicles, utilities, and fire protection and has adequate drainage, water supply, and sanitary sewage disposal.

An easement or covenant should be recorded with the final plat to ensure that addresses for all three units are visible from Franklin Avenue East. The easement or covenant should ensure that address signage is both permitted and maintained.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The subject site is not located within a mapped or observed environmentally critical area (ECA) as set forth in SMC 25.09.020.

6. *Is designed to maximize the retention of existing trees;*

Standards for tree retention, planting, and preservation were reviewed under the related construction permit (MUP #2300557).

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or title of townhouses, cottage housing, clustered housing, or single-family housing.*

The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing or Single Family residences in Lowrise zones.*

The subject proposal would establish separate unit lots for two townhouses and a single-family residence in an L3 zone; thus, falling within the purview of SMC Section 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The related development approved under Master Use Permit #2300557 meets applicable development standards as a whole. Usable private open space for each dwelling unit should be shown on the final plat drawings consistent with the open space shown on the approved construction plans.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.*

The condition added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to the structure(s).

- D. *Access easements and joint use and maintenance shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Joint use and maintenance agreements for pedestrian and vehicular easements and all common areas should be provided with the final recording documents and is a condition of this decision.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking for all three units would be located on Parcels B and C. The Easements ensuring access of each unit to parking should be included with the final plat drawings for the short plat.

- F. *The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 and to applicable standards for unit lot subdivisions for townhouse and single-family residential units in an L3 zone. To assure that future owners have constructive notice that additional development may be limited, the applicant should add a note to the face of the plat that reads as follows: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*

Summary

The lots proposed by this short subdivision would meet all minimum standards of the L3 zone set forth in the Land Use Code. As conditioned, this short subdivision would be provided with vehicular access (including access for emergency vehicles) and both public and private utilities. Adequate provisions for drainage control, water supply and sanitary sewage disposal would be provided for each lot, and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set

shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.

2. Submit the recording fee(s) and final recording forms for approval.
3. Add the conditions of approval to the face of the plat.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (described in Exhibit "A," P.M. #250420-2-011) on the final short subdivision.
5. Provide on the face of the plat or document, a joint use and maintenance agreement, for the parking and pedestrian easement, common party walls, structural elements, siding, foundation, roof, other physical elements, and any other areas of joint use and maintenance.
6. Enlarge the typeface, use boldface type, underline, or otherwise highlight the following on the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
7. Record an easement or covenant with the final plat to ensure that address signage visible from Franklin Avenue East is permitted and maintained for Parcels B and C.

Signature: (signature on file) Date: April 10, 2003
Leslie C. Clark, AICP
Land Use Planner